

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

---

MARGARET S. ARMIJO,

Plaintiff,

v.

Civil No. 04-482 WJ/RLP

LEROY SANCHEZ, President of Luna  
Community College, et al., ; LUNA COMMUNITY  
COLLEGE BOARD OF DIRECTORS;  
ADMINISTRATORS; GILBERT SENA,  
RITA GARCIA, BARBARA BUSTOS, DONA MEDINA

**MEMORANDUM OPINION AND ORDER GRANTING PLAINTIFF'S**  
**MOTION TO AMEND COMPLAINT, DISMISSING DEFENDANTS,**  
**AND DENYING MOTIONS TO DISMISS AS MOOT**

THIS MATTER comes before the Court pursuant to Plaintiff's Motion to Amend Complaint [Docket No. 27], Rita Garcia's Motion to Dismiss [Docket No. 22] and Defendant Leroy Sanchez, Luna Community College Board of Directors, Administrators, Gilbert Sena, Barbara Bustos, and Dona Medina's Motion to Dismiss [Docket No. 20].

Plaintiff filed her original Complaint naming several individuals, the Luna Community College Board of Directors, and Administrators [sic]. All of these persons were sued under the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and Title VII. Plaintiff's original complaint did not name her employer, the Luna Community College, as a Defendant in the caption, but did state in the body that Plaintiff is "filing a civil action lawsuit against Luna Community College, its administrators and its board of directors ....." See Complaint ¶ B(1).

All of the Defendants named in the caption filed motions to dismiss. See Docket Nos. 20 and 22. In response to the motion by Defendants Leroy Sanchez, Luna Community College Board of Directors, Administrators, Gilbert Sena, Barbara Bustos and Dona Medina, Plaintiff consented to dismissal of individual defendants Leroy Sanchez, Gilbert Sena, Barbara Bustos and Dona Medina. Subsequently, Plaintiff filed her motion to amend her complaint. Her amended complaint names the Luna Community College as the only Defendant and names none of the current Defendants. None of the current Defendants opposes Plaintiff's motion to amend. See Notices of Non-opposition, Docket Nos. 37 and 38.

Because Plaintiff's motion to amend is unopposed, that motion will be granted. Plaintiff is granted leave to file the proposed amended complaint that was attached as Exhibit A to her motion. The amended complaint has the effect of dismissing all of the current Defendants. Accordingly, the Defendants' motions to dismiss are moot and will be denied as such.

## **CONCLUSION**

IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend Complaint [Docket No. 27] is hereby GRANTED and Plaintiff may proceed to file the proposed amended complaint attached to her motion as Exhibit A.

IT IS FURTHER ORDERED that Defendants Leroy Sanchez, Luna Community College Board of Directors, Administrators, Gilbert Sena, Rita Garcia, Barbara Bustos and Dona Medina are hereby DISMISSED as Defendants from this case without prejudice.

IT IS FURTHER ORDERED that Defendant Leroy Sanchez, Luna Community College Board of Directors, Administrators, Gilbert Sena, Barbara Bustos, and Dona Medina's Motion to Dismiss [Docket No. 20] is hereby DENIED AS MOOT.

IT IS FURTHER ORDERED that Rita Garcia's Motion to Dismiss [Docket No. 22] is hereby DENIED AS MOOT.

IT IS FINALLY ORDERED that the caption of this case is amended as follows and should appear on every future pleading in this case:

MARGARET S. ARMIJO,

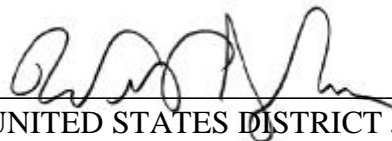
Plaintiff,

v.

Civil No. 04-482 WJ/RLP

LUNA COMMUNITY COLLEGE,

Defendant.

  
UNITED STATES DISTRICT JUDGE